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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,219	10/31/2003	Christian Wilms	081276-1019	1495

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EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,219

Applicant(s)

WILMS ET AL.

Examiner

Gary K Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wiper arm formed of a largely straight flat material that is not twisted must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Reference to the claims from the written description (page 1) does not appear proper. The written description should not look to the claims to define the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 4 set forth that the bolt is attached to the wiper arm via gluing, welding or pressing. However, claim 1 from which claims 2 and 4 depend sets forth that the articulated bolt is embodied as a single piece with the wiper arm. It is not clear how a components can be both embodied as a single piece with the wiper arm and embodied as connected or joined thereto.

Such appears contradictory.

In claim 5, line 2, there is no antecedent basis for "the free end".

In claims 8 and 9, line 2, there is no antecedent basis for "the free end".

In claim 10, line 3, the usage of "twisted vis-à-vis this around" does not appear grammatically correct.

In claim 11, line 2, there is no antecedent basis for "the carrying area". In line 3, the usage of "twisted vis-à-vis this around" does not appear grammatically correct.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Block (German patent 19924662).

The patent to Block discloses the invention as is claimed (fig.3), including a wiper arm (12) with a device for detachable connection to a pivoted wiper blade (14) at one end. The device includes an articulated bolt (56) that can be welded to the wiper arm and a safety hook (60) for partially gripping around the wiper blade. Note that as applicant considers welding of the bolt to the arm to constitute the bolt and arm being one piece, the patent to Block meets all the limitations of claim 1.

With respect to claim 6, note that Block does not disclose twisting of the arm about the longitudinal axis.

With respect to claim 12, the hook (60) of Block is considered to be a covering that grips around the wiper blade.

Claims 1-3, 5, 7, 8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Laar et al (Netherlands patent 1017344).

The patent to Laar discloses the invention as is claimed (figs.1-3), including a wiper arm (1) with a device for detachable connection to a pivoted wiper blade at one end. The device includes an articulated bolt (4) that can be welded (12) to the wiper arm and a safety hook (not numbered, but clearly shown) for partially gripping around the wiper blade. Note that as applicant considers welding of the bolt to the arm to constitute the bolt and arm being one piece, the patent to Laar meets all the limitations of claim 1.

With respect to claim 7, note that the arm of Laar is formed of flat material that is twisted about 45 degrees at a connection section around its longitudinal axis (see fig.2).

With respect to claim 12, the hook of Laar is considered to be a covering that would grip around the wiper blade.

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Claims 1, 3, 5, 7, 9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (KR patent 1020020072622).

The patent to Park discloses the invention as is claimed (see fig.), including a wiper arm (20) with a device for detachable connection to a pivoted wiper blade (40) at one end. The device includes an articulated bolt (32) fixed to the wiper arm and a safety hook (28) for partially gripping around the wiper blade. Note that as applicant considers mere attachment of the bolt to the arm to constitute the bolt and arm being one piece, the patent to Park meets all the limitations of claim 1.

With respect to claim 7, note that the arm of Park is formed of flat material that is twisted about 90 degrees at a connection section around its longitudinal axis (see fig.2).

With respect to claim 9, note that a connecting section of Park is twisted 90 degrees about the longitudinal axis of the wiper arm.

With respect to claim 12, the hook of Park is considered to be a covering that would grip around the wiper blade.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block (German patent 19924662).

The patent to Block discloses all of the above recited subject matter with the exception of the safety hook being a separate component attached to the wiper arm. Note that Block discloses the safety hook as being of one piece with the wiper arm.

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While Block discloses the safety hook as being of one piece with the wiper arm, to make such as a separate component joined to the wiper arm appears an obvious variant of Block. The integration of components does not preclude them from existing as separate components joined together. It appears the unity of diversity of parts would depend more on the choice of the manufacturer, and the convenience and availability of the machines and tools necessary to construct the arm/hook, than on any inventive concept. It would have been obvious to one of skill in the art to provide the safety hook of Block as a separate component joined to the wiper arm as an obvious variant of Block.

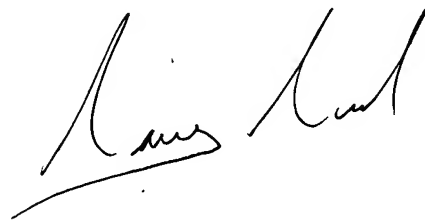
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', is written over a horizontal line.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
09 January 2005